

Arkansas State Board of Embalmers and Funeral Directors  
Board Meeting

MINUTES

Wednesday, March 11, 2015  
101 East Capitol Avenue  
Arkansas River Room, 3<sup>rd</sup> Floor  
Little Rock, AR  
9:00 a.m. – 2pm

Chairman James Terry Woodard called the meeting to order. Members present were: Vice Chairman Bobby Thurman, Bobby Burns, Patricia Roberts, and Ben Brazzel. Board members absent: Jerry Adams and John Wilkerson. Staff that were present: Amy Goode, Executive Secretary, Leslie Stokes, Investigator/Inspector, and Nina Carter, Board Counsel.

**1. Introduction of the Board**

**2. Oral Examinations**

- a. Zac Breshears oral exam administered.
- b. Beatrix Wiley's oral exam administered.

**3. Reinstatement**

- a. **Shannon Tribble** – Motion made by Brazzel to reinstate after successful passing of the ARLRR exam and payment of the \$460 delinquent fees, seconded by Burns, all in favor. Motion carried.

**4. Administrative**

- a. **Approval of January 8, 2015 Board Minutes.** Motion made by Roberts to approve the January 8, 2015 minutes as delivered electronically with no necessary changes or corrections, seconded by Brazzel, all in favor. Motion carried.
- b. **Approval of Special Teleconference Hearing January 21, 2015** – Motion made by Burns to approve the January 21, 2015 teleconference minutes as delivered electronically with no necessary changes or corrections, seconded by Brazzel, all in favor. Motion carried.
- c. **Approval of Transcript for Arkansas Funeral Care and LeRoy Wood January 23, 2015** – Motion made by Brazzel to approve the transcript as the minutes of the January 23, 2015 hearing, seconded by Roberts, all in favor. Motion carried.
- d. **Approval of the January – February 2015 DF&A financial reports and trial balance.** Motion made by Brazzel to approve the January-February 2015 DF&A reports as delivered and printed, seconded by Burns, all in favor. Motion carried.

**5. Board Discussion**

- a. **Hardy Funeral Home of Little Rock** – Mr. Charles Hardy, Sr. appeared before the Board today, due to the delay of the opening of his new location as agreed upon by Mr. Hardy and the Board in October 2014. Mr. Hardy was granted approval to work out of Gunn Funeral Home for ninety (90) days and was to be in his new location by February 3, 2015. As of today's date he has still not completed the remodel of the building to open. Ms. Stokes spoke with Mr. Hardy on February 3<sup>rd</sup>, he stated the new location was not ready and he currently had three bodies in Gunn Funeral Home

that he could not leave. Mr. Hardy explained that he was 75% complete and the reason for the delay is that he had major plumbing issues and weather had also been a factor. He had not overseen a major project like this and he just had many issues. They have not had any calls this month, but don't want to miss out if they do. They currently have temporary administrative offices on West Park Drive and they use Gunn for family hours, etc. Mr. Hardy thought he would need an additional thirty (30) days. Motion made by Brazzel to extend Hardy Funeral Home's temporary location until May 1, 2015 or be required to forfeit license, seconded by Burns, all in favor. Motion carried.

**b. *Seeking Board's Approval – Executive Secretary promoted Leslie Stokes, Inspector to Investigator.***

Chairman Woodard stated that when Ms. Stokes was first hired as the Inspector the Board discussed how they could raise the salary due to the entry being so low; the Executive Secretary informed us that we would possibly move her to the Investigator position after a certain amount of time. Woodard further explained that the Executive Secretary performed her performance evaluation at six months and she was exceeding the standards. Executive Secretary moved her to the Investigator position after approximately eight (8) months. Motion made by Brazzel to approve the promotion, seconded by Burns, all in favor. Motion carried.

Woodard described that he had been contacted by a representative from the Governor's office to hire an Inspector. The gentlemen had did research, that the money was there, and they had a recommendation for the position. He also contacted Ms. Stokes. Ms. Stokes informed him that the only position available would be the Inspector, since she was recently promoted to Investigator. He did have a gentlemen recommended and wanted him to contact Ms. Stokes.

The gentlemen did call and wanted either position that was open. However, he was quoted a salary that was above both the Investigator and Executive Secretary. Once the actual salary was mentioned his interest in the position declined. Also he was informed, that he would be required to move to Little Rock and that wasn't what he was told either. Ms. Stokes further explained that we needed someone that worked out of the office for all the office paperwork to be properly kept up.

Executive Secretary explained that she thought it would be best to get through the remainder of fiscal year and complete law and rule changes. Then in the next fiscal year when funding improved perhaps consider then hiring the position if necessary. The Board decided to leave as is and then it would need to be a Board decision to hire an Inspector.

Garland Camper suggested that there are lots of changes going on with the new administration and the Board might want to listen to any suggestions from the Governor's office. His suggestion also was the argument would be funding for the other positions that the Board feels needs adequate salaries.

No one else received a call and he recommended calling all members, but Chairman Woodard was under the assumption we didn't have the funding.

Legal counsel stated the Board should explore and reach out to the Governor's office. A call should be made back to the Governor's office explaining salaries were not sufficient all the way around. Woodard stated it has come back to hurt us with someone working from home, so regardless if the position is filled it needs to be done out of the central office. Not only has there been recent hearings and meetings that it was an issue, but also it's been an issue with Legislative Audit.

The Board discussed theirs and the Arkansas Burial Association Board's future. The Board has introduced language during this legislative session that in the future they will have the ability to hire their own Executive Secretary. The Board would like to move forward proactively rather than reactively.

- c. **2015 Annual Board Stipends and travel reimbursement in accordance with A. C. A §25-16-904**

Motion made by Brazzel to approve stipends and travel reimbursement for calendar year 2015, seconded by Roberts, all in favor. Motion carried.

- d. **CANA Crematory Operators Certification Program – April 16, 2015 North Little Rock Funeral Home - Free to Board members who want to attend to listen, but not receive certification.**
- e. **ICCFA Arrangers Training – April 17, 2015 North Little Rock Funeral Home – Free to Board members who want to attend to listen, but not receive certification.**

Executive Secretary explained that Board could go as regulators and the fee would be waived. Inspector/Investigator Stokes will attend the Crematory Operators Certification Program training.

The Board discussed their HB1711.

## **6. Complaints**

- a. **Case #14-15 Wilcox, Kathy V. Gunn Funeral Home, Derrick Gunn, FD and Manager**
- b. **Case#14-17 Wilcox, Kathy V. Dial & Dudley Funeral Home, Jim Dial, FD and Manager**

Motion made by Burns to set case #14-15 and 14-17 for a hearing, seconded by Brazzel, all in favor. Motion carried.

- c. **Case#15-2 Jones, Mike V. Ed Snow & Glenda Beard, Funeral Director and Embalmer**
- d. **Case#15-3 Ezzel, Darriel V. Ed Snow, Funeral Director and Embalmer**
- e. **Case#15-5 Hicks Family V. Ed Snow, Funeral Director and Embalmer**
- f. **Case#15-7 Patterson Family V. Ed Snow, Funeral Director and Embalmer**
- g. **Case#15-9 Ray Family V. Ed Snow, Funeral Director and Embalmer**
- h. **Case#15-11 Hudson Family V. Ed Snow, Funeral Director and Embalmer**
- i. **Case#15-13 Anderson Family V. Ed Snow, Funeral Director and Embalmer**
- j. **Case#15-15 Hudson Family V. John Matthew Gibbs, Funeral Director and student Embalmer**
- k. **Case#15-16 Hicks Family V. Glenda Beard, Funeral Director and Embalmer**

Motion made by Brazzel to set for hearing case #15-2-15-3, 15-5, 15-7, 15-9, 15-11, 15-13, 15-15-15-16, seconded by Roberts, all in favor. Motion carried.

- l. **Case#15-17 Board V. Hardy Funeral Home, Charles Hardy, Jr. Funeral Director and manager**

Funeral home license lapsed on December 31, 2014 and was not renewed until January 29, 2015; during that time the funeral home conducted three (3) funerals. Motion made by Brazzel to set case #15-17, seconded by Burns, all in favor. Motion carried.

- m. **Case#15-18, 15-19, 15-20, 15-21 P. K. Mortuary V. A. C. Shelton, Edward Shelton, Randy Williams, and Harold Reed**

Motion made by Brazzel to set case #15-18 – 15-21 for hearing, seconded by Roberts, all in favor. Motion carried.

## **7. *Inspector Updates – Leslie Stokes***

The Inspector did the following since the last meeting:

- January 9, 2015 – went to Mountain Home for the initial opening of Affordable Cremations.
- January 12- 16, 2015 – most of her time was spent at Arkansas Funeral Care.
- January 15, 2015 – went to Slovak for a funeral conducted by Weems Family Funeral Service.
- January 21, 2015 – most of the day and evening was spent at Arkansas Funeral Care working with the Pulaski County Coroner and Crime lab removing the bodies.
- February 6, 2015 – went to Searcy, Kensett, and Bald Knob for routine inspections.
- February 12, 2015 – went to Dermott on a Board instructed visit to Davis-Strickland Funeral Home. Inspector met with Matthew “Peaches” Strickland who was named the new manager and Shannon Strickland. They went over her price list and gave them a copy of “Complying with the Funeral Rule”. Recommended that each licensed employee take an FTC training course and is planning to revisit in six (6) weeks for a follow-up; to make sure they are in compliance and recheck their GPL.
- February 24, 2015 – went on routine inspections to Russellville, Atkins, Morrilton, and Pottsville.
- February 27, 2015 – went to Brinkley, Helena, and West Helena for routine inspections.
- March 3, 2015 – went to Marvell for the initial inspection of Lockwood & Boyd Funeral Home.
- March 3, 2015 – went to Manila for the initial opening of Tri-City Crematory.
- March 9, 2015 – went back to Veasley Funeral Home in Conway to follow-up to see if a fence had been installed and found the posts had been set.
- March 10, 2015 – went to North Little Rock Funeral Home and Jacksonville Funeral Home for routine inspections.

Stokes wanted to address some issues she finds when doing her inspections. She runs into problems where the facilities are not structurally sound and our current rules and regulations are very broad. Photos were passed around of some facilities with issues that she would like to address, but realizes it may take law changes. Stokes was seeking guidance from the Board how to handle these situations. Suggested that we needed stricter laws in place to raise the standards of funeral homes.

## **8. *Establishment Licenses seeking approval***

### **a. *Lockwood and Boyd Funeral Home, LLC – inspected on March 3, 2015***

Inspector Stokes presented the Board with her initial inspection report and copies of their GPL. Ms. Stokes also had pictures of the new establishment to pass around. Mr. Lockwood was present to answer any questions. He could at this point accommodate three hundred (300) people, but at this time he does not have adequate off street parking or bathrooms to accommodate that many people. He has downsized and Mr. Lockwood can show you that in his packet. Lockwood presented a packet to the Board with updates since the inspection. Ms. Stokes stated that according to our laws, rules, and regulations he meets the requirements for a Type A Establishment. Embalming will be done at Watson-Northcrest by Samuel Vance.

Motion made by Brazzel to approve Lockwood and Boyd Funeral Home as Type A Funeral Establishment license, seconded by Roberts, all in favor. Motion carried.

9. **Attorney Updates –Nina Carter**

- a. **Appeal status- Javier Buck and Richardson Memorial Funeral Home** – This case is pending in Pulaski County for judicial review and currently there is no briefing schedule. Normally it is the moving party's responsibility to request a briefing schedule in an administrative review. There is nothing that says we have to wait to ask for briefing schedule. The Burden of proof is on the other side. Ms. Carter will contact his attorney. Its approaching one year and the Board can request a motion to dismiss for failure to prosecute. Attorney plans to follow up after one year and either move forward or dismissal.
- b. **Appeal status – Effie Collins and Collins Chapel** – there has not been a briefing schedule set.
- c. **Appeal Status – Leonard Fitzgerald** – Motion to dismiss was filed and waiting on the judge to grant.
- d. **Elmer Davis** – Need to file a motion to dismiss for failure to prosecute. It has been sitting since 2011.

10. **Meeting dates:**

Executive Secretary explained we probably should have more than one meeting in May, since there are so many hearings. Board discussed that they would start their meetings on May12, 2015 at 1pm, May 13, 2015 for hearings on Arkansas Funeral Care, and then finish up hearings and any other regular business on the morning of May 14, 2015.

- a. May 14, 2015 regular meeting 9am and annual meeting 1pm.
- b. July 9, 2015 – 9am
- c. September 10, 2015 – 9am
- d. November 12, 2015 – 9am

11. **Adjournment**

Motion made by Brazzel to adjourn the meeting, seconded by Thurman, all in favor. Motion carried.